

BRACEWELL

April 16, 2021

VIA FOIA ONLINE

National Freedom of Information Act Office
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W., Room 5315
Washington, D.C. 20460

Re: Freedom of Information Act Request

To whom it may concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, and the FOIA regulations promulgated by the U.S. Environmental Protection Agency ("EPA") in 40 C.F.R. Part 2, I am requesting records¹ related to applications for Class VI Underground Injection Control (UIC) permits that have been submitted to EPA since January 1, 2019 *except* for records related to the permit application submitted by Gulf Coast Sequestration LLC for a project to be located in Louisiana.

Under the Safe Drinking Water Act and EPA's implementing regulations, anyone seeking to sequester carbon dioxide (CO₂) in underground geological formations must first obtain a Class VI UIC permit. I understand that a few companies have already submitted at least partial applications for such permits. I am requesting copies of the applications or partial applications that have been submitted, along with any other records in EPA's possession relating to the projects for which applications or partial applications have been submitted. As indicated above, however, I am *not* requesting records related to the permit application submitted by Gulf Coast Sequestration for a project to be located in Louisiana.

¹ The terms "record or records" as used herein includes non-identical copies and drafts, printed, reproduced by hand or otherwise, and includes, but is not limited to, letters; correspondence; notes; summaries of personal or telephone conversations and interviews; minutes or records of meetings or conferences; materials discussed, distributed, or relied upon in such meetings or conferences; electronic correspondence such as "e-mail" and text messages; and other communications recorded in any form or medium.

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Please note that I am seeking records related to any full or partial applications that have been submitted – not just applications that have been determined to be administratively complete. I know that at least one application for a Class VI UIC permit has been submitted to EPA Region 9.

Please e-mail the responsive documents or a downloadable link to me at jeff.holmstead@bracewell.com. If this is not practical, please contact me via email or at 202-828-5852 to discuss the best delivery option. If a portion of this request can be fulfilled before completing the entire response, please provide responsive records as they become available.

Under 40 C.F.R. § 2.107(b), the fee category is “commercial use request.” We authorize costs of any amount associated with copying and review time to prepare the response to this request. However, please contact me if you estimate that the fees will exceed \$2,500.

If an exemption or denial under FOIA is claimed, we request that you furnish us with all non-exempt portions of such records. We further request that, regardless whether the disclosure of a record is denied in whole or in part, EPA provide us with the following information regarding such withheld records or portions thereof:

1. The title of the communication;
2. The date of the communication;
3. A description of the general nature and subject matter of the communication;
4. The identity of the author or authors of the communication;
5. The identity of all persons who received the communication; and
6. The reasons for the claim of exemption.

Thank you for your attention to this request.

Very truly yours,



Jeffrey R. Holmstead
Bracewell LLP